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AUTHOR Foster, Catherine Crystal
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ABSTRACT

Unemployment insurance is a cooperative federal and state program that provides temporary, partial wage replacement to formerly employed people who lose their jobs through no fault of their own. This issue brief discusses the program and its importance as an approach to ameliorate the effects of welfare reform on struggling families. The brief describes the program and argues that it needs reforms in the welfare reform era. The brief details features of unemployment insurance programs that hurt low income families, including the dependence of eligibility on labor force attachment, involuntary job loss, and the unemployed person's availability for full time work. Also identified are opportunities and barriers to changing the program to better meet family needs and the use of creative funding strategies in state programs. A table delineates the states providing unemployment insurance coverage for voluntary terminations caused by domestic circumstances and for dependent allowances. The brief concludes by noting that the need to move unemployment insurance to the child advocate's agenda is clear and that, through coalitions with organized labor and dialogue with business-related organizations, child advocates can urge state legislatures to make needed reforms to the unemployment insurance program. (Contains approximately 30 references.) (KB)

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Unemployment Insurance For Low-Income Families: New Challenges For Child Advocates

By Catherine Crystal Foster[1]

As crisis after crisis clamors for a child advocate's attention, one issue that rarely finds a place on the agenda is unemployment insurance reform. What, after all, does unemployment insurance have to do with improving child well-being? The answer is, quite a bit. For every child advocate who is working to ameliorate the effects of welfare reform on struggling families, unemployment insurance is a critical approach to explore. For every child advocate who cares about unreliable child care, family and medical leave, or helping working mothers make ends meet, unemployment insurance is their issue, too. And for every child advocate who has come to learn the value of coalitions with labor organizations and non-traditional allies, unemployment insurance reform can be a valuable rallying point.

Introduction

Unemployment insurance (UI) is a cooperative federal and state program that provides temporary, partial wage replacement to formerly employed people who lose their jobs through no fault of their own. As a general rule, they must be actively seeking work, available to work, but unable to find work. Each state has its own rules to determine who is eligible, how much UI they receive, and for how long. These rules generally consider factors such as the length of time the unemployed person worked, how many hours they worked, how much money they made in their last job, and why they lost their job. As a result of the way most states design their UI rules, many low-wage workers, especially those who work part-time and those who cycle in and out of the workforce, have the deck stacked against them. These are the very workers who are often parenting young and vulnerable children, and who have been affected most by welfare reform. Considering the proportion of families that rely on mothers for financial support, child advocates have serious cause for concern. At the same time, however, child advocates have an ideal window of opportunity for action. The economy is strong, overall unemployment is low, and interest in UI reform is growing at the state and federal levels.

THERE IS CURRENTLY A LARGE AND GROWING DISCREPANCY BETWEEN THE NUMBER OF PEOPLE WHO ARE UNEMPLOYED AND THOSE WHO RECEIVE UI. LAST YEAR, WHILE THE TOTAL UNEMPLOYMENT RATE IN THE UNITED STATES STOOD AT 5.3%, ONLY ABOUT A THIRD OF THE UNEMPLOYED RECEIVED UI.[2] ALSO NOTEWORTHY IS THE GENDER GAP AMONG UI RECIPIENTS: ONLY 30% OF UNEMPLOYED WOMEN OBTAIN UI BENEFITS, AS COMPARED TO 36% OF UNEMPLOYED MEN.

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The Need for UI Reform In the Welfare Reform Era

In an era of time-limited welfare, the fate of low-income workers who lose their jobs is more perilous than ever. Welfare recipients and former recipients often do not have extensive work experience, training or education.[3] They may also suffer depression and low self-esteem. They are at risk of having more frequent and longer spells of unemployment than other workers.[4] Moreover, the jobs that current and former welfare recipients often occupy — such as food service, domestic work, low-skilled nursing care, and child care — are frequently low-paying, with high rates of turnover. Many of these jobs require shift work that makes child care problematic, thus contributing to frequent job loss. Part-time, transitory, or low-paying positions often exclude the worker from the UI system. Therefore, after these workers reach the Temporary Assistance for Needy Families (TANF) time limit in their state, there may be no place for them to turn if they become unemployed. Not only do the workers lose,[5] the state loses as well: Each unemployed TANF recipient lowers the state's work participation rate, while a person receiving UI, instead of TANF, has no effect on TANF work participation rates.

How UI Rules Hurt Low-Income Families

Several features of UI systems hurt low-income families:

- A worker usually has to have significant earnings in the year ending three to six months before the application for UI—so people who recently joined the work force are ineligible.
- The earnings requirement also means that workers in low-paying jobs and part-time employees often are not eligible.
- Most states will only pay benefits to an employee who quit if they quit for good cause connected to employment—so that workers who leave for family reasons such as the unavailability of day care are ineligible.

What a Worker Earns and When She Earns It: UI eligibility depends heavily on what is called labor force attachment. The idea is that people who are truly part of the labor force should be eligible for UI, while those who are not connected to the labor force should not receive compensation when they are unemployed. One way in which states determine labor force attachment is by examining the worker's hours of employment or amount of earnings during a specified period of time, called the "base period." Most states define the base period as the first four of the five most recent, *completed* calendar quarters. This means that the last three to six months (one completed and one incomplete quarter) that an unemployed worker has worked often would not count toward UI. A recent welfare recipient might be ineligible for UI even though she has worked for many months because the UI system could ignore her most recent work and, instead, look only at work history beginning over a year in the past.

"A KEY QUESTION THEN FOR STATE AND FEDERAL POLICY MAKERS IS WHETHER THE UNEMPLOYMENT SYSTEM WILL RESPOND TO THE CHALLENGE OF WELFARE REFORM AND REWARD WORK BY FINALLY ADDRESSING THE BASIC INEQUALITIES OF THE UNEMPLOYMENT PROGRAM."

"WHEN CARE-GIVING RESPONSIBILITIES, INCLUDING CHILD-CARE, CONFLICT WITH A WOMAN'S WORK SCHEDULE, SHE OFTEN HAS NO ALTERNATIVE BUT TO RESIGN HER JOB."

—Women, Low-Wage Workers, and the Unemployment Compensation System: State Models for Change (National Employment Law Project, October 1997 - revised)

Some states have modified their definition of the base period in recent years, as was recommended by the Congressionally-authorized Advisory Commission on Unemployment Compensation (ACUC) in 1995.[6] These states use a "moveable" or "alternative" base period, which permits the state to look at earnings during the most recent quarters if the unemployed worker is not eligible under the standard definition of base period. Among those states that use an alternative base period are Massachusetts, Michigan (beginning in the year 2002), New Hampshire (beginning in the year 2001), New Jersey, North Carolina, Ohio, Rhode Island, Vermont, and Washington. States using alternative base periods approach them differently. In Massachusetts, for example, as an alternative to considering the last four completed quarters, the state will look at the last three quarters and any weeks when the worker received wages in the incomplete quarter in which the worker filed for UI.[7] Child advocates in states without an alternative base period can urge their legislatures to adopt one. It may be helpful to point out to those in opposition that the President's FY 1999 budget proposal includes three years of funding to states to reimburse them for additional costs incurred in implementing an alternative base period.

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Determining the earnings eligibility threshold during a base period raises additional issues for child advocates concerned with support for vulnerable families. Most state UI programs require UI applicants to have earned up to a certain sum during the base period in order to be eligible for UI benefits. This, obviously, presents a problem for low-wage workers. Moreover, UI earnings rules disqualify twice as many women as men,[8] which is not surprising, since women earn significantly less than men.[9] This means that the predominantly female population of adult welfare recipients and former recipients are hit especially hard. Whether a worker earns little simply because her hourly wages are low, or because she only works part-time, or both, a low-income worker is often left out of the UI system. To solve this problem, ACUC recommended that states revise their earnings requirements to provide greater access to low-wage — particularly low-wage, part-time — workers.[10]

These minimum earnings rules are specified differently in each state. For example, in Illinois, a worker must have earned at least $1,600 over the four quarters of the base period, and at least $440 in a quarter other than the highest-earning quarter. Washington requires only that a UI applicant has worked 680 hours during the base period, which has the effect of eliminating any discrimination based on earnings versus hours worked. This patchwork of rules means that child advocates must scrutinize the effects on the vulnerable families in their states to determine the most effective way to reform earnings requirements.

Why A Parent Becomes Unemployed: Why a person has lost a job is also a key factor in UI eligibility. On one end of the spectrum, a worker could have been laid off when her factory closed. On the other end, an employee could have left work because he prefers to watch daytime television. But many situations fall somewhere in between the two extremes, and may not fit the more traditional patterns assumed by the UI system. An employee could have been forced to quit because she was moved to a night shift and could not find adequate child care. She could have been asked to leave when the abusive father of her children came to her workplace to make threats. She could have quit after being denied the family leave to which she was entitled.

Such family-oriented reasons for unemployment are regrettably common, but are often not credited by state UI systems. UI laws nationwide deny eligibility[11] to workers who voluntarily quit their jobs without good cause. Approximately two-thirds of all states now specifically require that "good cause" for leaving work be "connected with work" or "attributable to the employer."[12] Consequently, family-related reasons, no matter how compelling, could be insufficient to justify leaving a job for UI purposes. Some 32 states disqualify UI claimants who leave their jobs to perform domestic obligations.[13] (See chart.) For example, an informal survey in Maine revealed that 540 workers were denied benefits in 1997 due to loss of child care.[14]

As a general rule, states have become more restrictive over time in their definitions of "good cause" for voluntarily leaving a job.[15] Yet some states have reformed their UI systems to take a more flexible view of the ways in which people become unemployed. Child advocates can see to it that their state does the same. For example, Arizona law creates an exception to voluntary quit rules for people who can show "compelling personal circumstances" related to their transportation to work, which can include "domestic circumstances," "care of children," and illness of an immediate family member.[16] In California, "good cause" for leaving work includes leaving work "due to circumstances relating to the health, care, or welfare of the claimant's family of such a compelling nature as to require the claimant's presence, [if] the claimant has taken reasonable steps to preserve the employment relationship."[17] Carving out a specific child care exemption is difficult, but it is a challenge advocates are taking on in states from Illinois to New Hampshire.

Health-related causes for leaving a job, particularly those related to pregnancy or the illness of a child, can be a major concern for working parents, and can disqualify a person from receiving UI. At least 21 states consider "voluntary" quits related to pregnancy to be non-compensable under UI law; in those states where women who leave their job for pregnancy-related medical reasons can receive benefits, those benefits are generally only available after delivery, when the woman is again available to work.[18] Some states, however, have taken a progressive approach to this issue. Washington, for example, creates an exemption for death, illness, or disability in the worker's immediate family, as well as if the worker herself becomes ill or disabled.[19] Arkansas explicitly provides that a person who leaves work because of pregnancy is not disqualified from UI, if the person made reasonable efforts to preserve her job rights.[20]

There is a growing recognition that domestic abuse can force a worker to leave a job in order to protect herself, her family, or co-workers.[21] A victim of domestic violence may also miss work frequently because of harassment by her abuser or because of her injuries; this can lead to dismissal. Maine has led the nation by including a specific exemption to its UI voluntary quit provisions

for a victim who leaves work to protect herself, if the employee has made all reasonable efforts to preserve the employment.[22] Absent approval of a specific domestic violence exception, states can follow the lead of Massachusetts, which provides that a person is not disqualified from receiving UI if the person can show that the reasons for leaving work "were for such an urgent, compelling and necessitous nature as to make his separation involuntary."[23]

Balancing Work and Family: For working parents, part-time work or limitation to certain shifts may be the best solution to the conflicts posed by the need to work, the demands of child rearing, and the costs and availability of child care. However, 24 states require a person to be available for full-time work to be eligible for UI.[24] A 1995 study indicated that a person leaving work due to new employment circumstances, such as a change in shifts, would be eligible for UI in only 15 states, though the law in another 25 states could potentially be interpreted to permit eligibility for such a person.[25]

An unemployed person's "availability" for work, like labor force attachment and the involuntary nature of the worker's job loss, is one of the fundamentals of UI policy nationwide. Child advocates can press for amendments to state law so that a person who looks only for part-time work or work on certain shifts is considered "available" for work. While not explicitly referencing part-time or shift work, California, for example, permits a UI claimant to show good cause for any restriction on her availability for work, if the claimant has a valid reason for the restriction and a demonstrated labor market in the area remains open to her.[26] Connecticut protects UI eligibility for workers who leave their jobs when the employer changes the hours of work from those agreed upon when the worker was hired.[27]

States Which Provide Unemployment Insurance Coverage for Voluntary Terminations Caused by Domestic Circumstances and Dependant Allowances

A check ✓ indicates that the state provides such coverage; unless otherwise indicated the coverage is statutory. Where the chart is blank, the coverage is unavailable.

State	Domestic Circumstances[1]	Dependent Allowance
Alabama		
Alaska		✓ Child under 18 and older child unable to work; child must be unmarried; weekly benefit per dependent is $24
Arizona		
Arkansas	✓ Compelling and Necessitous exception[2]	
California	✓ Covered by case law	
Colorado	✓	
Connecticut	✓ Only for illness of claimant, child, spouse or parent	✓ Child under 18, older child unable to work (can include full-time student), and nonworking dependent wife or husband; weekly benefit per dependent is $10
Delaware		
D.C.		✓ Child under 16, older child unable to work, and wife, husband, parent, or brother/sister if unable to work due to age, physical disability, or physical or mental infirmity; weekly benefit per dependent is $5
Florida		
Georgia		
Hawaii	✓ Minimal case law seems to support domestic circumstances	
Idaho		
Illinois	✓ Only for illness of claimant, spouse, child, or parent	✓ Child under 18, older child unable to work, and nonworking wife or husband; weekly benefit per dependent is $1-$38
Indiana		
Iowa	✓ (1) To care for ill or injured member of immediate family and (2) For compelling personal reasons	✓ Child under 18, older child unable to work, nonworking wife or husband, and parent or brother/sister unable to work due to age, physical disability, or physical or mental infirmity; weekly benefit per dependent is $1-$23
Kansas	✓ For compelling personal reasons	
Kentucky		
Louisiana		
Maine	✓ (1) To care for ill or disabled family member and (2) Due to domestic violence	✓ Child under 18, older child unable to work (includes full-time student), and nonworking wife or husband; weekly benefit per dependent is $10
Maryland	✓ Compelling and Necessitous exception[2]	✓ Child under 16; weekly benefit per dependent is $8
Massachusetts	✓ Compelling and Necessitous exception[2]	✓ Child under 18, older child unable to work (includes full-time student); child must be unmarried; weekly benefit per dependent is $25
Michigan		✓ Child under 18, older child unable to work (includes full-time student), nonworking wife or husband, and parent over 65 or permanently disabled, and brother/sister under 18 who is orphaned or whose parents are dependents; weekly benefit per dependent is based on a table
Minnesota		
Mississippi	NO (specifically not covered in statute)	
Missouri		
Montana		
Nebraska	✓ Case law suggests that domestic circumstances are probably covered	
Nevada		
New Hampshire	✓ Only for child/elder support situations involving the 3d shift	
New Jersey		✓ Child under 19, older child unable to work (includes full-time student), and nonworking wife or husband; Child must be unmarried; weekly benefit per dependent is $3-$16
New Mexico		
New York	✓ Case law covers child care and ill family member and the legislature is researching the domestic violence exception	
New Jersey		
North Dakota		
Ohio	NO (specifically excluded from coverage in statute)	✓ Child under 18, older child unable to work, and nonworking wife or husband; weekly benefit per dependent is $1-$88
Oklahoma		
Oregon	✓ For reasonable cause	
Pennsylvania	✓ Necessitous and compelling exception[2]	✓ Child under 18, older child unable to work, nonworking wife or husband; weekly benefit per dependent is $5
Puerto Rico		
Rhode Island		✓ Child under 18 and older child unable to work; weekly benefit per dependent is the greater of $10 or 5% of the individual's benefit rate per dependent
South Carolina		
South Dakota		
Tennessee		
Texas	✓ (1) For illness of child and claimant and (2) For compelling and necessitous work-related reason	
Utah	✓ Compelling and Necessitous exception[3]	
Vermont		
Virginia	✓ Minimal case law seems to support domestic circumstances	
Virgin Islands		
Washington	✓ (1) To care for ill member of immediate family and (2) For compelling work-related reason	
West Virginia	NO (specifically excluded from coverage in the statute)	
Wisconsin	✓ For illness of immediate family member	
Wyoming		

"Availability for work" requirements also have serious implications for workers who need to take family and medical leave, and who are thus considered "unavailable for work". A bill was introduced in Vermont last year that would allow a person taking family and medical leave to be considered able to work and available for work during the leave itself, for purposes of UI eligibility. The bill has not advanced, in part because of U.S. Department of Labor (DOL) objections. DOL contends that the proposed legislation is inconsistent with federal requirements because it does not apply a genuine test of availability for work.[28]

In addition to the issues it raises concerning availability for work, family and medical leave also has implications for application of other UI rules. If no wages are earned during the leave, this could make it appear that the worker was not attached to the labor force during that time, no matter how long the person was previously working. This would affect UI eligibility after the leave. A different leave-related issue arises if an employer refuses to grant leave, leading a worker to quit under circumstances that could be construed as voluntary and without good cause. No state currently has special UI rules to cover these situations. Maine, California, Washington, Iowa, and Illinois excuse voluntary separations under circumstances that are similar to those that would be permissible under family and medical leave laws.[29]

1 In some cases, state law may be more complex than can be readily described in this chart. Additionally, for most states this chart describes the statutory provisions; case law may provide broader exceptions for domestic circumstances. NELP is willing to help advocates locate the relevant case law for their state.

2 Compelling and Necessitous exceptions indicates that domestic circumstances ARE covered.

Giving A Parent the Compensation She Needs: When the federal UI system was designed, an objective of some who created it was to provide temporary replacement of about 50% of lost wages. [30] For many recipients, the system does not provide this high a level of benefits. This is most problematic for low-wage parents, since they spend a higher proportion of their earnings on necessities for their families than other workers. Some 12 states and the District of Columbia have acknowledged the special needs of working parents by providing what are called dependent or dependency allowances as part of UI benefits. [31] These are additional payments to unemployed workers with dependents. States can design such allowances in different ways: a flat dollar figure per child, a flat amount up to a limit based on the regular benefit amount, a percentage of the claimant's average weekly wage, etc. The dependency benefit in Massachusetts, for example, is $25 per week for each unemancipated minor.[32] Child advocates can see to it that the simple and compelling need for dependency allowances is recognized nationwide.

Taking Action

Opportunities and Barriers to Change: The strength of the national economy now presents child advocates with unique opportunities for action to reform their state UI systems. With unemployment currently at 4.6%,[33] a 25-year low, pressures on state UI systems are not so great, and unemployment trust funds are healthy. Many states are willing to spend surpluses or earmark funds for programs that are focused on aiding those who work. Moreover, change is in the air. DOL announced a national dialogue on UI reform in March 1998, to modify the system in light of the changing economy, workforce and workplace. This follows on the heels of a more hard-hitting approach initiated but abandoned by the Clinton Administration last year.[34] The National Governors' Association is hosting a symposium (for invitees only) on the interface among UI, welfare reform, and employment programs. Legislatively authorized bodies have recently completed detailed studies of UI reform in New Hampshire and Maine. Coalitions with memberships ranging from child care advocates to labor organizers have seized the initiative in those states. Organized reform efforts by advocates are underway in California, and, as discussed below, in Illinois. The National Employment Law Project (NELP) is also working jointly with the Institute for Women's Policy Research to conduct an intensive national effort to provide better protection to women and low-wage workers under the UI program.

Creative Funding Strategies: While the groundswell of interest in reform is encouraging, the barriers to change can be significant. Since the traditional UI system is funded through a trust fund financed by payroll taxes on employers, business groups often mount strong opposition to any reforms that have the effect of expanding the program – and expanding their costs. In general, the rate of tax an employer pays increases if the number of UI claims that are made by its employees increases. (This is referred to as "experience rating.") One way to counter employer opposition is to initiate reforms that will not increase the employer's individual experience rating, even though the expansion would still be financed through the UI trust fund. Certain UI expansions, most notably dependency allowances, can be considered "non-chargeable" against experience ratings. For example, recent expansions in Massachusetts to provide dependency allowances and to cover quits for personal reasons are non-chargeable, and do not affect individual employers' rates.

A bolder funding approach, which no state has yet adopted, would create an alternative UI system financed by state General Revenue funds that provides a safety net for the low-income working families who are not now covered by UI. Such a system could also be funded with TANF or state maintenance of effort (MOE) dollars.[35] The alternative system would incorporate many of the components of the traditional UI program. It could, however, base determination of labor force attachment on more recent earnings, require a lower threshold of earnings to retain eligibility, and incorporate standards for permissible job loss that account for the experiences of low-wage workers with children. In order for a state to use TANF or MOE dollars for this purpose, the alternative program would have to be carefully targeted. Depending on the mix of TANF and MOE funds that a state chooses to use, and the way in which those funds are administered, some TANF restrictions could apply to the family,[36] but a state could certainly design an alternative UI program that would provide assistance to needy families without triggering restrictions such as a time limit.[37]

Advocates in Illinois recently made two unsuccessful efforts to create an alternative UI program for certain low-income workers. The first, a means-tested program funded by TANF MOE dollars, would have covered people who would be eligible for TANF (although workers receiving TANF at the time of job loss would not be eligible). The second attempt was a more conservative UI expansion, funded through General Revenue funds.[38]

Conclusion

The need to move UI reform to the child advocate's agenda has become clear. Through coalitions with organized labor and dialogue with business-related organizations, child advocates can urge their state legislatures to make the following UI reforms to protect low-income working parents and their children:

- Provide vulnerable families with a UI safety net by revising wage requirements that exclude low-wage workers.
- Protect parents transitioning from welfare to work and those laboring in high-turnover jobs by creating alternative base periods to determine labor force attachment.
- Prevent the UI system from penalizing those struggling to balance work and family by permitting parents and other low-wage workers to retain UI eligibility if they search for part-time work, or decline shift work that makes child rearing or obtaining child care unfeasible.
- Recognize the importance and the fragility of child care arrangements by extending UI eligibility to workers who lose their jobs when they lose their child care, if they try unsuccessfully to arrange replacement care.
- Credit the challenges faced by today's working parents and craft realistic voluntary quit rules that consider family health problems, pregnancy-related illness, and domestic violence to be good cause for leaving a job.
- Support low-income families by creating or enhancing dependency allowances to grant parents supplemental benefits that reflect their children's needs.
- Enforce the spirit of the Family and Medical Leave Act by ensuring that seeking or using leave does not mean losing UI eligibility.

Whether these changes occur as a result of a straightforward expansion of the state's current UI program, using the same funding mechanism, or whether the state takes a more innovative approach to program structure and funding, each of these goals is achievable. Indeed, advocates can point to successes or forward progress in a least one state for each of these areas. The challenge is to make a reformed UI safety net a reality for all families.

Resources

Technical assistance on UI advocacy is available from Maurice Emsellem, staff attorney at the National Employment Law Project, 55 John Street, 7th Floor, New York, NY 10038, 212-285-3025 ext. 106.

Available from the National Employment Law Project, 55 John Street, 7th Floor, New York, NY 10038, 212-285-3025:

- *Women, Low-Wage Workers and the Unemployment Compensation System: State Legislative Models for Change* (October 1997—revised). The cost is $20.

Available from the California Budget Project, 921 11th St., Suite 701, Sacramento, CA 94814-2821, 916-444-0500:

- *Making the Unemployment Insurance System Work for California's Low Wage Workers* (August 1997). The cost is $3.23.

Available from the Office of Policy & Legal Analysis, Rooms 101/107/135, 13 State House Station, Augusta, ME 04333, 207-287-1670:

- *Final Report of the [State of Maine] Commission to Study the Unemployment Compensation System* (February 9, 1998).

Available from the New Hampshire Unemployment Compensation Advisory Council, 44 Winnicooash Street, Laconia, NH 03246-3040:

- *The [State of New Hampshire] Advisory Council Report on Chapter 199, Laws of 1997 (Unemployment Compensation)* (November 1997).

Available from John Bouman, Poverty Law Project, 205 W. Monroe, 2nd Floor, Chicago, IL 60616, 312-263-3830:

- *Welfare Reform, Unemployment Insurance, and Working Women* (January 6, 1998).

Informational Internet sites:

Information Technology Support Center (ITSC) "Unemployment Insurance" web site, sponsored by the U.S. Department of Labor: http://www.itsc.state.md.us/UI.

Bureau of Labor Statistics, U.S. Department of Labor: http://stats.bls.gov/blshome.htm.

Employment and Training Administration, U.S. Department of Labor, Unemployment Insurance Program Information: http://www.doleta.gov/programs/uiinfo.htm.

Endnotes

1 Catherine Crystal Foster is an attorney and independent consultant in Palo Alto, California, specializing in anti-poverty policy. She is the former Director of Children's Benefits Programs at the National Association of Child Advocates.
2 Unemployment Insurance Service, US. Dept. of Labor, "Unemployment Information by State for CY97.1," *UI Data Summary* (May 1997).
3 Bloom, D, After AFDC: *Welfare-to-Work Choices and Challenges for States* (Manpower Demonstration Research Corporation, 1997) pp. 15-16.
4 Pavetti, L, *How Much More Can they Work? Setting Realistic Expectations for Welfare Mothers* (Urban Institute, July 1997).
5 The average weekly UI benefit of $193.73 is significantly higher than most state's TANF benefits. (Average UI benefit calculation based on Information Technology Support Center, "Summary Data for State Programs by State for December 1997" (January 22, 1998).)
6 Advisory Council on Unemployment Compensation, *Collected Findings and Recommendations: 1994-1996* (1996), p 19 (hereafter, *ACUC Collected Findings*).
7 Mass Gen. L. ch. 151A, sec. 1(a).
8 National Commission for Employment Policy and Institute for Women Policy Research, *Unemployment Insurance: Barriers to Access for Women and Part-time Workers*, 1995, p 27.
9 Women's weekly earnings were 74.4% of men's earnings in 1997. (Women Bureau, U.S. Dept. of Labor, Table: "Women's Earnings as Percent of Men's: 1979-1997" (September 1997).)
10 *ACUC Collected Findings*, pp 19-20. The ACUC recommended that earnings requirements not exceed 800 times the state's minimum hourly wage, and that high-quarter earnings requirements do not exceed one-quarter of that amount. The number 800 represents the approximate number of hours per year that a person working two days per week is employed.
11 In order to requalify for benefits, workers used to need to wait a relatively short period. States have been toughening the requalification standard either by extending the waiting period or by requiring the employee to have worked significant hours and had significant earnings at a subsequent job. Saul Blaustein, *Unemployment Insurance in the United States: The First Half Century*, WE. Upjohn Institute For Employement Research, p. 282-4. This is another cause of the decline in receipt of benefits, and advocates may want to oppose such proposals in their state.
12 Those states are: Georgia, Idaho, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Mexico, New Jersey, Oklahoma, Vermont, and West Virginia. The District of Columbia also falls into this category. States that require good cause to be connected to work, but also permit specified exemptions that recognize so:. e individual circumstances include: Alabama, Arkansas, Arizona, Connecticut, Delaware, Maine, Indiana, Florida, Iowa, Kansas, Maryland, Montana, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Washington, Wisconsin, and Wyoming. *Women, Low-Wage Workers, and UC*, p. 14-15.
13 National Employment Law Project, *Women, Low-Wage Workers, and the Unemployment Compensation System: State Models for Change* (October 1997 – revised ed), p. 16 (hereafter, *Women, Low-Wage Workers, and UC*).
14 *Final Report of the Commission to Study the Unemployment Compensation System – Majority Report* (Legislature of the State of Maine, February 9, 1998), p 6.
15 Advisory Council on Unemployment Compensation, *Unemployment Insurance in the United States: Benefits, Financing and Coverage — A Report to the President and Congress* (1995) p. 110 (hereafter, 1995 ACUC Report).
16 Ariz Rev. Stat. sec. 23-775(1), Ariz. Admin. Code sec. 23-775(C).
17 Cal Code Regs. tit. 22, sec. 1256-10.
18 Brown, M., *A Case for Pregnancy-Based Unemployment Insurance*, U. of Mich. Journal of Law Reform, v. 29 Fall 95 - Winter 96, pp. 44-54.
19 Wash Rev. Code sec. 50.20.050.
20 Ark Code sec. 11-10-513(b).
21 Data from one battered women's support group indicate that 55% of the participants had been absent from work because of physical abuse, 62% had been late for work because of abuse, and 24% had lost a job, in part, because of abuse (Raphael, J., *Prisoners of Abuse: Domestic Violence and Welfare Receipt* (Taylor Institute, April 1996), p. 15.)
22 Me Rev. Stat. tit. 26, sec. 1193-1(A)(4). New Hampshire is expected to pass a similar provision.
23 Mass Gen. L. ch. 151A, sec. 25(e).
24 *Women, Low-Wage Workers, and UC*, p. 24.
25 *1995 ACUC Report*, p. 110.
26 Cal Code Regs. tit. 22, sec. 1253(c)-1(b).
27 Conn Gen. Stat. sec. 31-236(a)(2)(A)(I), Conn. Agencies Regs. sec. 31-236-21.
28 S. 143; letter from Raymond J. Uhalde, U.S. Dept. of Labor, to Senator Patrick Leahy (July 17, 1997); and letter from AFL-CIO, Vermont AFL-CIO, Women's Legal Defense Fund, and National Employment Law Project to Alexis Herman, U.S. Dept. of Labor (January 22, 1998).
29 *Women, Low-Wage Workers and UC*, p. 23.
30 *ACUC Collected Findings*, p. 22.
31 Those states are: Alaska, Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, and Rhode Island (Unemployment Insurance Service, Employment and Training Administration, U.S. Dept. of Labor, *Significant Provisions of State Unemployment Insurance laws*, July 1997.)
32 Mass Gen. L. ch. 151A sec. 29(c). Certain older children who are students or incapacitated may also render their parents eligible for a dependency benefit.
33 Seasonally-adjusted data for February 1998, Bureau of Labor Statistics, US. Dept. of Labor.
34 Employment and Training Administration, US. Dept. of Labor, Draft Program Letter: "Equity and Access – Unemployment Compensation (UC) Program" (April 14, 1997).
35 For a discussion of such a proposal, see Center on Budget and Policy Priorities, *Reinvesting Welfare Savings: Aiding Needy Families and Strengthening State Welfare Reform* (March 30, 1998) (hereafter, *Reinvesting Welfare Savings*).
36 For a further discussion of TANF and MOE funding decisions, see *Reinvesting Welfare Savings*; proposed TANF rule at 62 Fed Reg. 62124 (Nov. 20, 1997); and Savner, S. and Greenberg, M., *The New Framework: Alternative State Funding Choices Under TANF* (Center for Law and Social Policy, March 1997).
37 As a cautionary note concerning use of MOE dollars, the US. Department of Health and Human Services has not yet issued final TANF rules, which are expected in late summer 1998.
38 For more information about UI advocacy in Illinois, contact John Bouman at the Poverty Law Project, 205 W Monroe, 2nd Floor, Chicago, IL 60616, 312-263-3830.

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The NACA Devolution Staff:
Deborah Stein, Project Director
Sheri A. Brady, Program Associate

National Association of Child Advocates
1522 K Street, NW
Suite 600
Washington, DC 20005
202-289-0777 ext. 209
202-289-0776 (fax)
dstein@childadvocacy.org (e-mail)

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